IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1898 OF 2006

Pandurang Co-operative Sugar
Factory Ltd. & Ors. ...Petitioners
Vs.
Chandrabhaga Co-op.Sugar Factory
Ltd & Ors. ...Respondents

Mr P.B. Shah for the Petitioners.
Mr A.S. Desai for the Respondent No.1.
Mr R.M. Patne, A.G.P. for the State.

CORAM : S. B. MHASE, J.
DATE : MARCH 23, 2006.

P.C.:

1. Heard counsel for both the sides. On 21st January, 2006 Director of Sugar (Administration) and Additional Registrar, Co-operative Societies, State of Maharashtra has passed an order permitting the amendment of the by-laws of the Chandrabhaga Sahakari Sakhar Karkhana, Tal. Pandharpur and thus allowed them to include certain villages from the area of operation of the Pandurang Co-operative Sugar Factory in the area of operation of Chandrabhaga Sahakari Sakhar Karkhana. That order was challenged by the Petitioner by filing an Appeal under section 152 of the Co-operative Societies Act before the Minster for Co-operation being the Appeal No.37 of 2006. Cabinet Minister granted an interim stay on 07.02.2006 and

directed to maintain status-quo. It appears that thereafter, the Respondent Sugar Factory approached Government on 13.03.2006. Minister without hearing the Appellant vacated the said order. That order is under challenge before this Court. The learned Counsel for State now makes a statement that the Government is ready to hear and dispose of the main Appeal on merits after giving hearing opportunity to both the sides. He further states that the orders which are under challenge in the said Appeal will be treated as stayed till the final disposal of the Appeal. The learned Counsel for the Respondent-Kharkhana further states that after the stay was vacated by the Minister, the amendment has come into force. However, he fairly states that the said amendment will not be effective on the part of the Respondent also till the final adjudication by the Government and they will enforce all those by-laws in case the Appeal is dismissed.

2. Mr Shah, the learned counsel for Petitioner submits that in case the Appeal is dismissed the stay order shall be continued for a period of fifteen days from the date of communication of the order to the Petitioner so as to avail appropriate remedy as

against said order.

3. In view of the above statements made by the respective advocates on either sides, the following order is passed:

: O R D E R :

(i) The Respondent-State is hereby directed to dispose of the Appeal filed by the Petitioner within period of four weeks after giving an hearing opportunity to the respective parties.

(ii) The order passed by the Director of Sugar (Administration) and Additional Registrar, Co-operative Societies dated 21st January, 2006 which is impugned in the Appeal No.37 of 2006 pending before the Minister for Co-operation shall be stayed till the final disposal of the Appeal and the said stay order shall continue further for a period of two weeks in case the Appeal is decided against the Petitioners. Two weeks to be counted from the actual communication of the order to Petitioner by R.P.A.D.

(iii) Petition disposed of in the above terms.

JUDGE